



Australia Pacific Airports Corporation Limited

Speak Up Investigation Procedure

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Document Control

Current Version	5
Responsible Person	Head of Risk & Compliance
Owner	Chief Financial Officer

1. Introduction

1.1 Purpose

The APAC Speak Up Investigation Procedure (**Investigation Procedure**) must be read in conjunction with APAC's Speak Up Policy (**Speak Up Policy**).

The purpose of the Investigation Procedure is to outline how APAC will investigate disclosures that qualify for protection.

APAC will assess each disclosure to determine whether it qualifies for protection and whether a formal investigation is required in accordance with the Investigation Procedure.

1.2 Definitions

The terms used have the following meaning:

- (a) an **eligible recipient** has the meaning given in paragraph 5 of the Speak Up Policy;
- (b) an **eligible whistleblower** has the meaning given in paragraph 2 of the Speak Up Policy;
- (c) **disclosable matters** has the meaning given in paragraph 6 of the Speak Up Policy;
- (d) **Head of Risk & Compliance** includes the relevant staff member who fulfils the function of head, leader or chief of the risk and compliance department within APAC (howsoever described or titled);
- (e) a **personal work-related grievance** has the meaning given in paragraph 7 of the Speak Up Policy;
- (f) a **protected disclosure** has the meaning given in paragraph 4 of the Speak Up Policy;
- (g) **EGM People & Culture** includes the relevant staff member who fulfils the function of head, leader or chief of the human resources or people and culture department within APAC (howsoever described or titled); and
- (h) **Corporations Act** means the *Corporations Act 2001* (Cth).

1.3 Objectives

Establish whether disclosable matters are substantiated and if they are, to the extent reasonably practicable:

- (a) Stop immediate losses / improper conduct and address any failing in internal controls;
- (b) Develop an integrity driven culture and hold those who commit misconduct and improper conduct accountable;
- (c) Ensure escalation through the appropriate channels; and
- (d) Recover misappropriated funds or assets as a result of misconduct and improper conduct.

Where allegations are unsubstantiated:

- (e) Demonstrate impartiality and the right not to investigate;

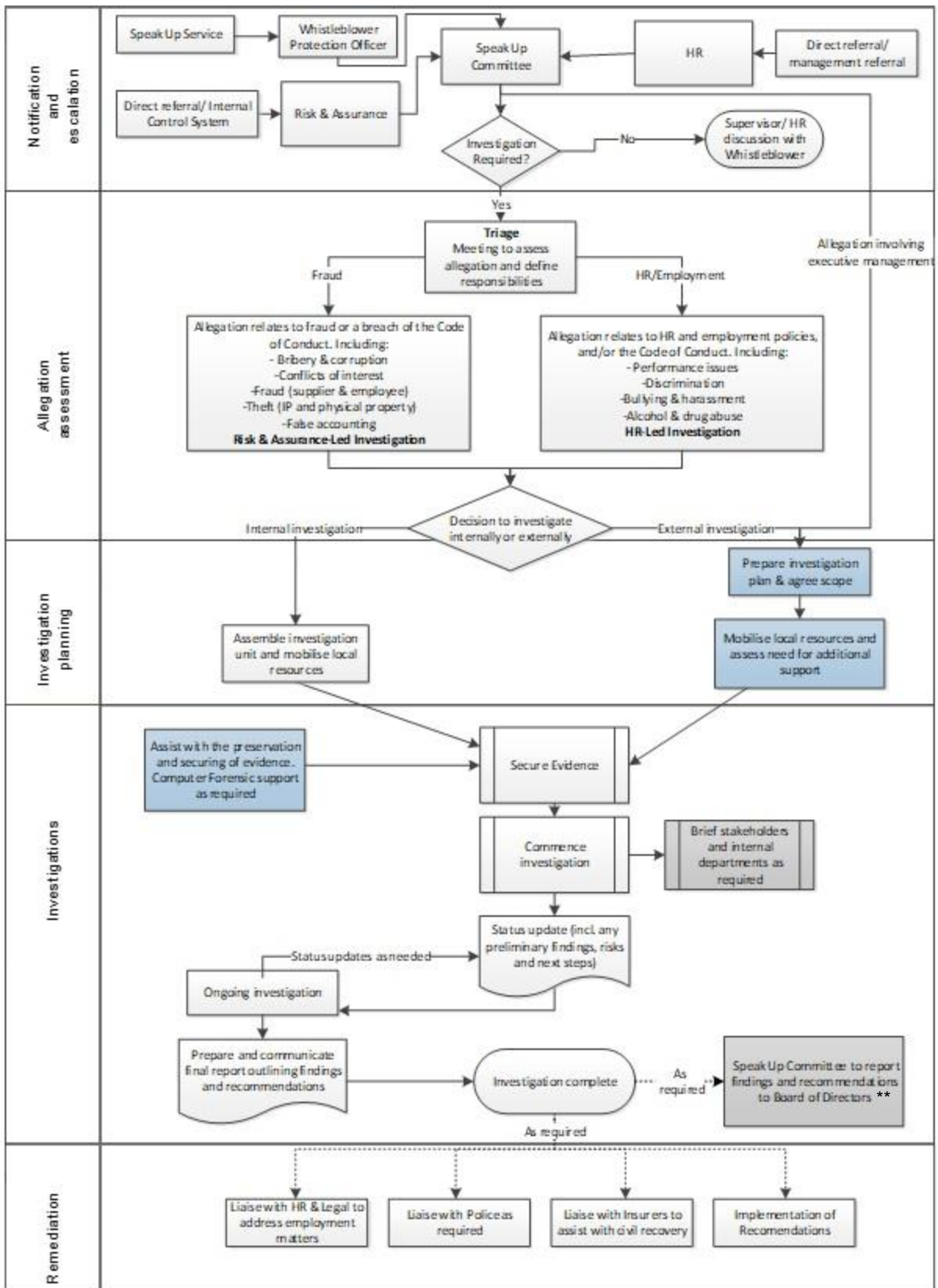
- (f) Educate the business as to what constitutes a disclosable matter, while promoting escalation where in doubt; and
- (g) Ensure allegations relating to misconduct and improper conduct are dealt with through the appropriate channels.

1.4 Periodic Review

The Investigation Procedure will be reviewed annually.

2 Speak Up Investigation Procedure

The below flowchart reflects the usual procedure that will be followed by APAC in considering and investigating a protected disclosure under the Speak Up Policy and this Procedure. However, APAC will consider each protected disclosure independently and will make an assessment as to the appropriate steps that will be taken to assess and investigate such matters, which may or may not reflect the steps outlined in the below flowchart.



* A reference to Risk & Assurance above is a reference to Risk & Compliance.

** Findings may also be reported to the APAC Audit, Risk & Finance and/or Remuneration Committees as appropriate.

3 Notification and Escalation

3.1 Notification of a Disclosable Matter

The channels in which an allegation of a disclosable matter may be reported are set out in paragraph 5 of the Speak Up Policy and as follows:

- (a) Notification provided to an officer or senior manager of APAC;
- (b) Direct to APAC's General Counsel;
- (c) Direct to the EGM People & Culture (employment related matter);
- (d) Direct to Head of Risk and Compliance (non-employment related matters);
- (e) Notification to Your Call as authorised by APAC from time to time;
- (f) An external or internal auditor or actuary of APAC; or
- (g) Otherwise in accordance with the Speak Up Policy.

4 Allegation Assessment

4.1 Speak Up Committee

A committee will be established for the purposes of assessing allegations of disclosable matters and ultimately deliberating as to the best course of action. The committee will take the name 'Speak Up Committee' and be structured as follows:



(the **Committee**).

A functional specialist (i.e. Legal, Finance, Forensics) may be asked to attend the Committee to provide input in relation to their particular area of expertise.

In the event the allegation of a disclosable matter relates to a member of the Committee, the matter must be referred to the Head of Risk and Compliance, General Counsel or CEO for assessment and investigation as required in accordance with the Investigation Procedure.

In the event the allegation of a disclosable matter relates to the CEO, the matter must be referred to the Board and / or Audit, Risk & Finance Committee.

4.2 Allegation Assessment

The Committee will assess, whether:

- (a) the disclosure qualifies for protection in accordance with the Speak Up Policy and whistleblowing laws; and
- (b) a formal investigation is required and whether that investigation is to be conducted internally or independently.

In assessing the above, the Committee may utilise tools such as the First Response Protocol (FRP) as outlined below.

Task	Considerations
Roles and responsibilities	<ul style="list-style-type: none"> Consider the command and control structure Confirm respective roles and responsibilities
Facts	<ul style="list-style-type: none"> What do you <i>know</i>?
Assumptions	<ul style="list-style-type: none"> What do you '<i>believe</i>' has occurred or contributed to the situation?
Scenarios	<ul style="list-style-type: none"> Worst Case and Most Likely (Consider individually and don't discount anything)
Priorities	<ul style="list-style-type: none"> Your <i>priorities</i> including information requirements and immediate tasking.
Response options	<ul style="list-style-type: none"> Consider the range of options available. What needs to be done <i>now</i> and what <i>can wait</i>?
Your objective(s)	<ul style="list-style-type: none"> E.g. solve the problem in order to get back to business.
Stakeholders	<ul style="list-style-type: none"> Identify the range of <i>stakeholders</i>, including key stakeholders.
Key messages	<ul style="list-style-type: none"> Identify key messages.
Review	<ul style="list-style-type: none"> Consider how often to meet to continue coordination e.g. <i>Review</i> at 5 to the hour.

Table 1: First Response Protocol

In addition to the FRP, the Committee should consider details pertaining to the following:

- (a) The nature of incident or allegation (involving senior team members or claims of collusion);
- (b) The impact of the incident (external);
- (c) The impact of the incident (internal);
- (d) Resourcing (availability and capability of resources);
- (e) Potential conflicts of interest;
- (f) Identity protection (confidentiality) of the discloser; and
- (g) Measures and mechanisms for protecting the discloser from detriment in accordance with the Speak Up Policy.

Following the assessment of any allegation of a disclosable matter, if:

- (a) the disclosure is determined to be a protected disclosure, the disclosure will be investigated in accordance with this Investigation Procedure; or
- (b) the disclosure is determined not to be a protected disclosure, the Committee may:
 - (i) Refer the disclosure to the appropriate channel (e.g. to PX) for investigation of a personal work related grievance;
 - (ii) Take no further action and exercise the right not to investigate or refer the disclosure; or
 - (iii) Take any other action it considers appropriate.

5 Investigations of Protected Disclosures

5.1 Investigation Authority

Depending on the relevant circumstances, investigation of a protected disclosure may be warranted. Investigations of protected disclosures may only be authorised by the Committee (or the General Counsel as the case may be pursuant to clause 4.1 above).

The investigation may be conducted internally or externally by an independent investigator, as determined by the Committee in accordance with clause 4 above.

APAC may not be able to undertake an investigation if it is not able to contact the discloser (e.g. if a protected disclosure has been made anonymously and the discloser has refused to provide a means of contact) and/or there is insufficient information to progress an investigation.

5.2 Investigation of Protected Disclosure

If an investigation is undertaken, the investigation should be conducted:

- (a) as soon as possible after the initial complaint or allegation is reported;
- (b) in a timely and fair manner; and
- (c) as is reasonable and appropriate having regard to the nature of the unacceptable conduct and all of the circumstances.

The investigator, in their discretion, will adopt a process considered to be suitable to a particular protected disclosure but will ordinarily:

- (a) apply principles of natural justice to an investigation into a protected disclosure;
- (b) take all reasonable steps to reduce the risk that the eligible whistleblower will be identified as a result of the protected disclosure;
- (c) maintain a confidential record of the allegations and processes concerning an investigation into a protected disclosure;
- (d) so far as is lawful and reasonably practicable, take all reasonable steps to ensure an eligible whistleblower is kept informed about the progress and outcome of their investigation into the protected disclosure, including the commencement and conclusion of any investigation. However, the frequency and timeframe of such updates may vary depending on the nature of the disclosure;
- (e) so far as is lawful, maintain confidentiality about the identity of an eligible whistleblower and any details of a protected disclosure which they are aware of (or have a reasonable suspicion of). In particular, the investigator cannot without the eligible whistleblower's express consent disclose information that is likely to lead to the identity of the eligible whistleblower unless:
 - (iv) the information is de-identified; and
 - (v) the investigator removes other information relating to the whistleblower's identity; and
 - (vi) the disclosure is reasonably necessary for the purpose of investigating the protected disclosure.
- (f) not engage in any conduct which constitutes victimisation in accordance with APAC's Speak Up Policy or contrary to law.

5.3 Investigation Findings, Communication and Outcomes

The Committee will instruct the investigator and serve as the primary point of contact for the investigator.

The Committee will receive the outcomes of the investigation and the investigation report and implement (or arrange for implementation of) any recommendations as deemed appropriate by the Committee.

The communication of the investigation report and outcomes will be subject to the confidentiality obligations that apply to protecting the eligible whistleblower's identity in accordance with the Speak Up Policy.

Consent may be required from the eligible whistleblower to provide the investigation report or its outcomes to the decision maker. If consent cannot be obtained, any communications to the decision maker regarding the protected disclosure must ensure that the eligible whistleblower is de-identified and information that is likely to lead to the identity of the whistleblower is removed from the investigation report and/or communications.

The method for documenting and reporting the findings of an investigation under this Investigation Procedure will depend on the nature of the protected disclosure. There may be circumstances where it may not be appropriate for APAC to provide details of the outcome to the eligible whistleblower.

The decision maker will determine the outcome of the investigation. This may result in disciplinary action including but not limited to dismissal. Serious criminal matters will be reported to the police or the appropriate regulatory authorities.

5.4 Other Considerations

5.4.1 Legal Privilege

During the allegation assessment stage (set out in clause 4 of this Investigation Procedure), the Committee should evaluate whether the investigation should be engaged under legal professional privilege.

5.4.2 Media

Where lawful and appropriate the Committee may brief APAC's authorised spokesperson. Any disclosure must have regard to APAC's confidentiality obligations to protect the identity of the eligible whistleblower in accordance with the Speak Up Policy. It is important that clear instructions as to the matters which can and cannot be disclosed are provided.

APAC's authorised spokespeople are:

- (a) Chief Executive Officer
- (b) Chairman of the Board
- (c) Chief Financial Officer
- (d) EGM People & Culture
- (e) Head of Communications and Community Engagement

Other team members will be prepared for the role of spokesperson and will be authorized on a case by case basis by the CEO.

No team member may make a statement of their own accord regarding APAC or any matter in connection to APAC to a representative of the media.

In interacting with the media, consideration should be given to:

- (a) APAC's legal obligations under the Speak Up Policy and the Corporations Act;
- (b) Where media interaction will prejudice anyone's right to a fair hearing or effect legal process; and
- (c) Whether any safety concerns exist in relation to any member of the investigation team, team members or their immediate family.

6 Remediation

6.1 Recovery of Losses

Civil litigation and asset recovery should be considered following the completion of the investigation. In doing so, consideration should be given to:

- (a) The location of the individual/s that has committed the misconduct;
- (b) The value of the fraud which can be sustained;
- (c) The availability of the individual/s assets; and
- (d) Costs associated with taking action.

Mediation or alternative dispute resolution may be considered where the improper conduct is considered 'low value'.

6.2 Law Enforcement & Regulators

Where there is sufficient evidence to substantiate an allegation of a disclosable matter which is against the law (for instance, fraud), the matter may be referred to law enforcement for investigation.

6.3 Insurers

APAC must notify the insurer at the earliest practicable moment or in no event later than 90 days where a claim under a relevant policy is expected and APAC should make every effort to furnish full particulars within 6 months of discovery, subject to its confidentiality obligations in respect of the eligible whistleblower pursuant to the Speak Up Policy and the Corporations Act.

7 Document History and Version Control

Version Number	Review Date	Reviewed by	Amendment

1	March 2016	Andrew Duane	Initial inception
2	July 2018	Andrew Duane	Amended format to align to new template and changed terminology to Speak Up
3	May 2018	Andrew Duane	Updated to reflect new policy
4	November 2022	Russell Collins	Updated to reflect revised policy
5	January 2024	Aaron Gant	Legal review against Act and amendments to align with regulatory guidance